

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

:
LEROY WALKER, :
Petitioner, :
v. : **CIVIL ACTION**
JEFFREY A. BEARD, ET AL., :
Respondents. : **NO. 08-5912**

ORDER

AND NOW, this ____ of March, 2010, upon careful and independent consideration of the Petition for Writ of *Habeas Corpus* filed pursuant to 28 U.S.C. § 2254, and after review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter (Doc. 12), and Petitioner's Objections (Doc. 13) and Respondents' Reply (Doc. 14), **IT IS HEREBY ORDERED** and **DECREEED** as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for Writ of *Habeas Corpus* is **DISMISSED** as untimely; and
3. There is no basis for the issuance of a certificate of appealability.

IT IS FURTHER ORDERED that the Clerk of the Court shall mark the above-captioned case as **CLOSED** for statistical purposes.

BY THE COURT:

/*s/ Petrese B. Tucker*

Hon. Petrese B. Tucker, U.S.D.J.